

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

KRISTINA FINK, on behalf of the Nation  
Safe Drivers Employee Stock Ownership  
Plan, and on behalf of a class of all other  
persons similarly situated,

Plaintiff,

-vs.-

WILMINGTON TRUST, N.A., as successor  
to Wilmington Trust Retirement and  
Institutional Services Company, ANDREW  
SMITH, MICHAEL SMITH, and FRANK  
MENNELLA.

Defendants,

and

WILMINGTON TRUST, N.A., as successor  
to Wilmington Trust Retirement and  
Institutional Services Company.

Third-Party Plaintiff,

v.

STOUT RISIUS ROSS, INC. and  
STOUT RISIUS ROSS, LLC,

Third-Party Defendants.

Case No. 19-1193-CFC

**PLAINTIFF’S UNOPPOSED MOTION TO EXCEED PAGE AND WORD  
LIMITATIONS WITH RESPECT TO HER OPENING BRIEF IN  
SUPPORT OF HER UNOPPOSED MOTION FOR  
ATTORNEYS’ FEES, LITIGATION EXPENSES AND  
CLASS REPRESENTATIVE SERVICE AWARD**

Pursuant to Fed. R. Civ. P. 7 and D. Del. LR 7.1.3, Plaintiff Kristina Fink, on behalf of the Nation Safe Drivers Employee Stock Ownership Plan, and on behalf of a class of all other persons similarly situated (the “Plaintiff”), submits this unopposed<sup>1</sup> motion to exceed the page and word limitations set forth in the Local Rules and this Court’s Standing Order for her Opening Brief in Support of Her Unopposed Motion for Attorneys’ Fees, Litigation Expenses and Class Representative Service Award (the “Opening Brief”). In support of her motion, Plaintiff asserts the following:

1. The parties have reached a proposed class settlement of this ERISA Lawsuit and as part of that proposed settlement, Plaintiff is seeking attorneys’ fees, litigation expenses and a class representative service award.
2. The parties’ proposed settlement comes at a time when the Court has only been presented with Plaintiff’s Complaint and Motion for Preliminary Approval of Settlement.
3. Plaintiff believes that the Court would be aided by a more fulsome account of the dispute and proposed settlement as it weighs Plaintiffs’ request for attorneys’ fees, litigation expenses and a class representative service award.
4. D. Del. LR 7.1.3(a)(4) provides that: “No opening or answering brief

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<sup>1</sup> Pursuant to D. Del. LR 7.1.1, the undersigned Delaware counsel states that he contacted opposing counsel and they do not oppose the relief requested herein.

shall exceed 20 pages, and no reply brief shall exceed 10 pages, in each instance exclusive of any table of contents or table of citations.”

5. This Court’s Standing Order Regarding Briefing in All Cases, Page/Word Limitations provides that: “Where page limits are specified by local rule, the parties shall use a word-count limit. For each page allowed by local rule, the parties shall use up to 250 words.” (the “Standing Order”).

6. The anticipated Opening Brief has approximately 5,810 words. The brief presents the relevant factual background and legal arguments needed for the Court to evaluate Plaintiff’s request for attorneys’ fees, litigation expenses and a class representative service award in this proceeding.

7. Plaintiff respectfully submits that allowing her Opening Brief to exceed the page/word limitations set forth in D. Del. LR 7.1.3(a)(4) and this Court’s Standing Order is well-founded because the additional words will assist the Court with its consideration of Plaintiff’s request for attorneys’ fees, litigation expenses and a class representative service award.

WHEREFORE, for the foregoing reasons, the Plaintiff respectfully requests that the Court enter an order, substantially in the form attached hereto, granting her permission to exceed the page and word limitation set forth in the Local Rule and the Standing Order.

Dated: August 2, 2021

/s/ David A. Felice

David A. Felice (#4090)  
BAILEY & GLASSER LLP  
Red Clay Center at Little Falls  
2961 Centerville Road, Suite 302  
Wilmington, DE 19808  
Telephone: (302) 504-6333  
dfelice@baileyglasser.com

Gregory Y. Porter (*pro hac vice*)  
Ryan T. Jenny (*pro hac vice*)  
Patrick O. Muench (*pro hac vice*)  
BAILEY & GLASSER LLP  
1055 Thomas Jefferson St., NW  
Suite 540  
Washington, DC 20007  
Telephone: (202) 463-2101  
gporter@baileyglasser.com  
rjenny@baileyglasser.com  
pmuench@baileyglasser.com

Daniel Feinberg (*pro hac vice*)  
FEINBERG, JACKSON, WORTHMAN &  
WASOW LLP  
2030 Addison Street, Suite 500  
Berkeley, CA 94704  
Telephone: (510) 269-7998  
dan@feinbergjackson.com

*Attorneys for Plaintiff and the Class*